

Message Text

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C O N F I D E N T I A L STATE 082513

VIENNA FOR ROSENSTOCK

E.O. 11652: GDS

TAGS: UN, PFOR

SUBJECT: INTERNATIONAL LAW COMMISSION: ELECTIONS

1. WHILE DEPARTMENT IS IN SUBSTANTIAL AGREEMENT WITH PROPOSED WEO APPROACH AND MISSION IS AUTHORIZED TO SO INDICATE (PROVIDED THAT THE SCANDINAVIAN WEO MEMBERS CONCUR IN THAT APPROACH), IT BELIEVES PORTUGUESE WORDING IS UNDULY HESITANT. WE FAVOR ENDEAVORING TO EXTRACT ASSURANCES OF SUPPORT FOR THE GENTLEMEN'S AGREEMENT AS THE PRICE OF THE WEO'S NOT FIELDING A CANDIDATE TO SUCCEED AMBASSADOR HAMBRO. WE ACCORDINGLY SUGGEST RECASTING PARA. 2 AND DELETING PARA. 3, OF THE PROPOSED NOTE, AS FOLLOWS.

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2. QUOTE: AS IS STATED IN THE NOTE OF THE PERMANENT REPRESENTATIVE OF IRAN, THE STATUTE OF THE INTERNATIONAL LAW COMMISSION REQUIRES THAT THE PRESENT VACANCY BE FILLED BY THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION THEMSELVES. HOWEVER, IN THE VIEW OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES (WHICH THEY EXPRESSED AT THE TIME OF THE ELECTIONS TO THE INTERNATIONAL LAW

COMMISSION DURING THE THIRTY-FIRST SESSION OF THE GENERAL ASSEMBLY), IT IS IMPORTANT THAT ALL MEMBERS OF THE UNITED

NATIONS ABIDE BY THE GENTLEMEN'S AGREEMENT RELATING TO THE DISTRIBUTION OF SEATS ON THE COMMISSION. IT WOULD CONFORM WITH THAT AGREEMENT IF AN ASIAN CANDIDATE WERE ELECTED TO THE PRESENT VACANCY. ACCORDINGLY, THE MEMBERS OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES AGREE NOT TO NOMINATE A CANDIDATE FROM THE COUNTRIES THEY REPRESENT FOR THE PRESENT VACANCY, PROVIDED THAT THE ASIAN, AFRICAN, LATIN-AMERICAN AND EASTERN EUROPEAN GROUPS ASSURE THE WESTERN EUROPEAN AND OTHER STATES THAT THEY WILL IN THE FUTURE JOIN THEM IN OBSERVING THE TERMS OF THE GENTLEMEN'S AGREEMENT. THE WESTERN EUROPEAN AND OTHER STATES WILL BRING TO THE ATTENTION OF THOSE MEMBERS OF THE INTERNATIONAL LAW COMMISSION FROM THE COUNTRIES THEY REPRESENT THE VIEWS EXPRESSED IN THIS NOTE AND IN THE NOTE OF 11 MARCH FROM THE PERMANENT REPRESENTATIVE OF IRAN. END QUOTE

3. IF SCANDINAVIANS MAINTAIN THAT THEY WISH TO PROPOSE A CANDIDATE, USDEL SHOULD EXPRESS SYMPATHY FOR PRINCIPAL OF SCANDINAVIAN REPRESENTATION ON ILC WHILE NOTING THAT THE PRACTICAL POSSIBILITIES OF THE IMPENDING CASUAL ELECTION INDICATE THE MERIT OF THE PORTUGUESE APPROACH AS WE WOULD RECAST IT. USDEL IS AUTHORIZED TO FLOAT IDEA THAT WEOS ASSURE SCANDINAVIANS OF WEO SUPPORT FOR A SEAT AT 1981 ELECTIONS IN RETURN FOR THEIR NOT FIELDING CANDIDATE NOW. IF SCANDINAVIANS CONFIDENTIAL

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REMAIN UNMOVED, USDEL SHOULD RESERVE OUR POSITION ON PORTUGUESE PROPOSAL.
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